

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVA VALLENTGOED,

Plaintiff,

v.

BNSF RAILWAY COMPANY,

Defendant.

CASE NO. 2:21-cv-01170-TL

ORDER TO SHOW CAUSE

This matter comes before the Court *sua sponte*, on review of the record.

Plaintiff brought suit in this District on August 27, 2021. Dkt. No. 1 (complaint).

Summons were issued as to Defendant on August 30, 2021. Dkt. No. 4 (summons). On December 30, 2021, the Honorable John C. Coughenour, U.S. District Judge, issued an order to show cause why the case should not be dismissed for lack of prosecution, given that Plaintiff had taken no further action in the case and Defendant had not responded to the complaint. Dkt. No. 8. On January 13, 2022, Plaintiff filed a letter in response, informing the court that the delay has been caused by Plaintiff's efforts to transfer the case to the Tacoma Division of this District rather than the Seattle Division. Dkt. No. 9. Subsequently, Plaintiff filed an unopposed motion to transfer. Dkt. No. 10. On March 4, 2022, Plaintiff's motion was granted, and this case was transferred to the Tacoma Division and this Court. Dkt. No. 11.

There has been no action taken by the parties since the case was transferred, including any proof that service of process was completed (or waived) on a timely basis. *See Fed. R. Civ. P. 4(m)* (Court may dismiss the case without prejudice for failure to timely serve).

1 Accordingly, counsel for Plaintiffs should show cause, if any they have, why this case
2 should not be dismissed without prejudice under Federal Rules of Civil Procedure 4(m), 41, or
3 any other applicable basis.

4 Therefore, it is hereby ORDERED as follows:

5 Not later than **April 20, 2022**, counsel for Plaintiffs are DIRECTED to show cause in
6 writing, if any they have, why this case should not be dismissed without prejudice for failure to
7 prosecute.

8 The Clerk is DIRECTED to send copies of this Order to all counsel of record and to any
9 party appearing *pro se* at said party's last known address.

10 Dated this 6th day of April 2022.

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12 Tana Lin
13 United States District Judge
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